
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 27, 2003

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Sexual Acts With Inmates - Employees**

3 FOR the purpose of prohibiting certain employees from engaging in certain sexual
4 acts with inmates under the supervision of the Department of Public Safety and
5 Correctional Services; and generally relating to the scope of interactions
6 between inmates and employees.

7 BY repealing and reenacting, with amendments,
8 Article - Criminal Law
9 Section 3-314
10 Annotated Code of Maryland
11 (2002 Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Law**

15 3-314.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Correctional employee" means a:

18 1. correctional officer, as defined in § 8-201 of the
19 Correctional Services Article; or

20 2. managing official or deputy managing official of a
21 correctional facility.

22 (ii) "Correctional employee" includes a sheriff, warden, or other
23 official who is appointed or employed to supervise a correctional facility.

24 (3) (i) "Inmate" has the meaning stated in § 1-101 of this article.

1 (ii) "Inmate" includes an individual confined in a community adult
2 rehabilitation center.

3 (b) [A correctional employee] A DEPARTMENT OF PUBLIC SAFETY AND
4 CORRECTIONAL SERVICES EMPLOYEE, OR AN EMPLOYEE OF A CONTRACTOR
5 PROVIDING GOODS OR SERVICES TO THE DEPARTMENT OF PUBLIC SAFETY AND
6 CORRECTIONAL SERVICES may not engage in vaginal intercourse [or], a sexual act,
7 OR SEXUAL CONTACT with an inmate.

8 (c) An employee or licensee of the Department of Juvenile Justice may not
9 engage in vaginal intercourse or a sexual act with an individual confined in a child
10 care institution licensed by the Department, a detention center for juveniles, or a
11 facility for juveniles listed in Article 83C, § 2-117(a)(2) of the Code.

12 (d) A person who violates this section is guilty of a misdemeanor and on
13 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
14 \$3,000 or both.

15 (e) A sentence imposed for violation of this section may be separate from and
16 consecutive to or concurrent with a sentence for another crime under §§ 3-303
17 through 3-312 of this subtitle.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2003.